

Exhibit M

SIR 2-13-12

FEB 15 2011
NP

RETURN TO COURT
WITH PROOF OF SERVICE

Scottsdale City Court
3700 N. 75th St. Scottsdale, AZ 85251

(480) 312-2442

| | | | |
|-------------------|---|---------------------|---|
| TOMMY CONSTANTINE | | M-751-CV-2010033436 | DECLARATION OF SERVICE OP/IAH/IAWH Issue Date <u>10/20/2010</u> (mm/dd/ccyy) |
| Plaintiff | | Case No. | |
| Birth | 7 [REDACTED] 1966 | | |
| V. | | | |
| PHILIP A KENNER | | | |
| Defendant | | | |

USE THIS FORM ONLY IF YOU ARE A PERSON AUTHORIZED UNDER A.R.C.P. 4 OR ARS § 13-3602(Q) TO SERVE LEGAL PAPERS.

C 265014

The undersigned, being first duly qualified by law, swears or certifies that a copy of the following was served:

- | | |
|--|---|
| <input type="checkbox"/> Petition and Order of Protection (OP) | <input type="checkbox"/> Modified OP, dated _____ |
| <input checked="" type="checkbox"/> Petition and Injunction Against Harassment (IAH) | <input type="checkbox"/> Modified IAH, dated _____ |
| <input type="checkbox"/> Petition and Injunction Against Workplace Harassment (IAWH) | <input type="checkbox"/> Modified IAWH, dated _____ |
| <input type="checkbox"/> Notice of Hearing | |
| <input type="checkbox"/> Other | |

upon ☐ Plaintiff ☒ Defendant on 2/11/2011 at 2:40 a.m. (p.m.)
 (Date) (Time)

100 W. DURANGO SUPERIOR COURT PHX. AZ
 (address)

Declarant is a: ☐ Registered Process Server OR ☒ Peace/Correction/Detention Officer

#985
DAVID LETOURNEAU MARICOPA COUNTY SHERIFFS OFFICE

Print the following: Name/Agency/Identification No

Charges*: Services \$ 10.00 Mileage \$ 10.00 Fees Paid \$ _____ Total \$ 20.00

* No charges/fees of any type for IAH that arises from a dating relationship or any OP.

I declare under penalty of perjury that the foregoing is true and correct pursuant to ARCP 80(i)

David Letourneau
 Signature

2/11/2011
 Date

Defendant description:

Sex Race DOB HT WT Eyes Hair Driver's License # State Distinguishing Features

| | | | | | | | | | |
|---|---|------------|-------|-----|-----|-----|--|--|--|
| M | W | 02/21/1969 | 5' 9" | 175 | XXX | BRO | | | |
|---|---|------------|-------|-----|-----|-----|--|--|--|

ENTERED
DB

Scottsdale City Court
3700 N. 75th St. Scottsdale, AZ 85251

(480) 312-2442

Injunction Against Harassment

☐ Amended Order

☐ Dating relationship, no law enforcement service fee

Case No. M-751-CV-2010033436

Court ORI No. AZ007111J

County Maricopa

State AZ

Former Case No. _____

PLAINTIFF

TOMMY CONSTANTINE

PLAINTIFF IDENTIFIERS

7 ■■■ 1966

First Middle Last

Date of Birth of Plaintiff

And/or on behalf of minor family member(s) and other Protected Person(s): (List name and DOB.)

SARAH ELIZABETH BOWERS, 8 ■■■ 1983 ; GAVIN WILSON BOWERS, 10 ■■■ 2003 ;

V.

DEFENDANT

PHILIP A KENNER

First Middle Last
Defendant/Plaintiff Relationship: FORMER BUSINESS
ASSOCIATE/FRIEND

Defendant's Address 10705 E CACTUS RD
SCOTTSDALE, AZ 85259

DEFENDANT IDENTIFIERS

| SEX | RACE | DOB | HT | WT |
|--------------------|------|---|----------|-----|
| M | W | 2/21/1969 | 5' 9" | 175 |
| EYES | HAIR | Arizona Prohibits Release of Social Security Numbers | | |
| XXX | BRO | | | |
| DRIVER'S LICENSE # | | STAT | EXP DATE | |
| | | | | |

Distinguishing Features/Alias _____

CAUTION: ☐ Weapon Alleged in Petition
☐ Estimated Date of Birth

WARNINGS TO Defendant: This Injunction shall be enforced, even without registration, by the courts of any state, the District of Columbia, any U.S. Territory, and may be enforced by Tribal Lands (18 U.S.C. § 2265). Crossing state, territorial, or tribal boundaries to violate this Injunction may result in federal imprisonment (18 U.S.C. § 2262). Federal law provides penalties for possessing, transporting, shipping, or receiving any firearm or ammunition (18 U.S.C. § 922(g) (8)). **Only the Court, in writing, can change this Injunction.**

This Injunction is effective for one year from date of service. VERIFY VALIDITY (call Holder of Record):

Maricopa County Sheriff's Office - (602)876-1061

THE COURT HEREBY FINDS:

That it has jurisdiction over the parties and subject matter.

☐ Defendant received actual notice of this Hearing and had an opportunity to participate.

Additional findings of this Order and warnings are set forth on the next page(s).

THE COURT, FINDING REASONABLE CAUSE, HEREBY ORDERS:

NO CRIMES. Defendant shall not commit any crimes against Plaintiff or Protected Person(s).

☒ **NO CONTACT.** Defendant shall have no contact with **Plaintiff** except through attorneys, legal process, court hearings, and as checked: ☐ Phone ☐ Email/Fax ☐ Mail ☐ Other: _____

☒ **NO CONTACT.** Defendant shall have no contact with **Protected Person(s)** except through attorneys, legal process, court hearings and as checked: ☐ Phone ☐ Email/Fax ☐ Mail ☐ Other: _____

Case No. M-751-CV-2010033436

THE COURT FURTHER ORDERS:

PROTECTED LOCATIONS. Defendant shall not go to or near the Plaintiff's or other Protected Person's:

☒ Residence (leave blank if confidential):

☒ Workplace (leave blank if confidential):

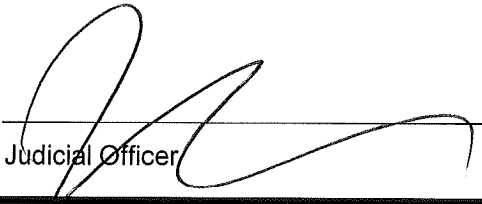
☐ School / Other:

OTHER ORDERS. _____

10/20/2010

Date

Judicial Officer



HONORABLE JOSEPH OLCAVAGE

Printed Name

Warning

This is an official Court Order. If you disobey this Injunction, you will be subject to arrest and prosecution for the crime of interfering with judicial proceedings and any other crime you may have committed in disobeying this Injunction. Violations of this Injunction should be reported to a law enforcement agency, not the Court. Both parties must notify this Court if an action for dissolution (divorce), separation, annulment or paternity/maternity is filed. This is NOT a parenting time (visitation) or custody order. You must file those requests separately in Superior Court. If you disagree with this Injunction, you have the right to request a hearing which will be held within 10 business days after your written request has been filed in the Court that issued this Injunction. Nothing the Plaintiff does can stop, change, or undo this Injunction without the Court's written approval. You must appear in Court to ask a judge to modify (change) or quash (dismiss) this Injunction. **Even if the Plaintiff initiates contact, you could be arrested and prosecuted for violating this protective order. If you do not want the Plaintiff to contact you, you have the right to request a protective order against the Plaintiff.**

PCO Codes: 1,2,4,5.

2

Scottsdale City Court/AZ007111J 3700 N 75th Street Scottsdale, Arizona 85251 (480) 312-2442

| | | |
|---|---|---|
| Tommy Constantine Plaintiff / Plaintiff Employer (Work Injunction ONLY) Birth Date: 7/ /66 | Philip A. Kennar Defendant 10705 E. Cactus Rd. Address Scottsdale, AZ 85259 City, State, Zip Code, Phone | Case No. CV2010033436 PETITION for <input checked="" type="checkbox"/> Order of Protection <input checked="" type="checkbox"/> Injunction Against Harassment <input checked="" type="checkbox"/> Workplace Injunction |
| Agent's Name (Work Injunction ONLY) | | |

DIRECTIONS: Please read the Plaintiff's Guide Sheet before filling out this form.

- Defendant/Plaintiff Relationship: ☐ Married now or in the past ☐ Live together now or lived together in the past
☐ Child in common ☐ One of us pregnant by the other ☐ Related (Parent, In-law, Brother, Sister or Grandparent) ☐ Romantic or sexual relationship (current or previous) ☐ Dating but not a romantic or sexual relationship
☒ Other: Former Business Associate/Friend
- ☐ If checked, there is a pending action involving maternity, paternity, annulment, legal separation, dissolution, custody, parenting time or support in _____ Superior Court,
Case #: _____ (COUNTY)
- Have you or the Defendant been charged or arrested for domestic violence OR requested a Protective Order?
☐ Yes ☐ No ☒ Not sure
If yes or not sure, explain: Unsure as to whether or not Defendant has.
- I need a Court Order because: (PRINT both the date(s) and briefly what happened):

| Date(s) | Describe what happened (Attach additional paper if necessary – Do not write on back) |
|-----------|--|
| 2009-2010 | Defendant is the subject of a high-level federal and local criminal investigation. |
| 2009-2010 | Defendant is the subject of several Federal and State civil actions in which I am involved. |
| 6/10 | Defendant has made verbal threats to inflict personal harm upon me and my family to third parties. Defendant has contemplated inflicting harm upon others in my presence, who are involved in cases. |
| 10/18/10 | Defendant was seen parked in front of our home (with lights off). Defendant accessed our neighborhood through a suzd gate using our access code. Defendant's vehicle was caught on videotape (available from security company upon request). Defendant does not have any reason to be in our neighborhood and has no other contacts in neighborhood. |
| 6:30 pm | Defendant sped away (with no lights on) in the dark when our garage door opened. Please see attached photo from security camera. |

Case No. CV201003436

5. The following persons should also be on this Order. As stated in number 4, the Defendant is a danger to them:

| | | |
|-------------------------------|--------------------|----------------|
| <u>Sarah Elizabeth Bowers</u> | <u>8</u> <u>83</u> | <u>(/ /)</u> |
| | Birth Date | Birth Date |
| <u>Gavin Wilson Bowers</u> | <u>(10/ / 03)</u> | <u>(/ /)</u> |
| | Birth Date | Birth Date |

6. Defendant should be ordered to stay away from these locations, at all times, even when I am not present:


- [] Home _____
[] Work _____
[] School/Oth _____

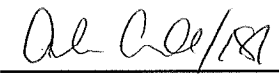
7. ☒ If checked, because of the risk of harm, order the defendant NOT to possess firearms or ammunition.

8. [] If checked, request an order for the Defendant to participate in domestic violence counseling or other counseling.

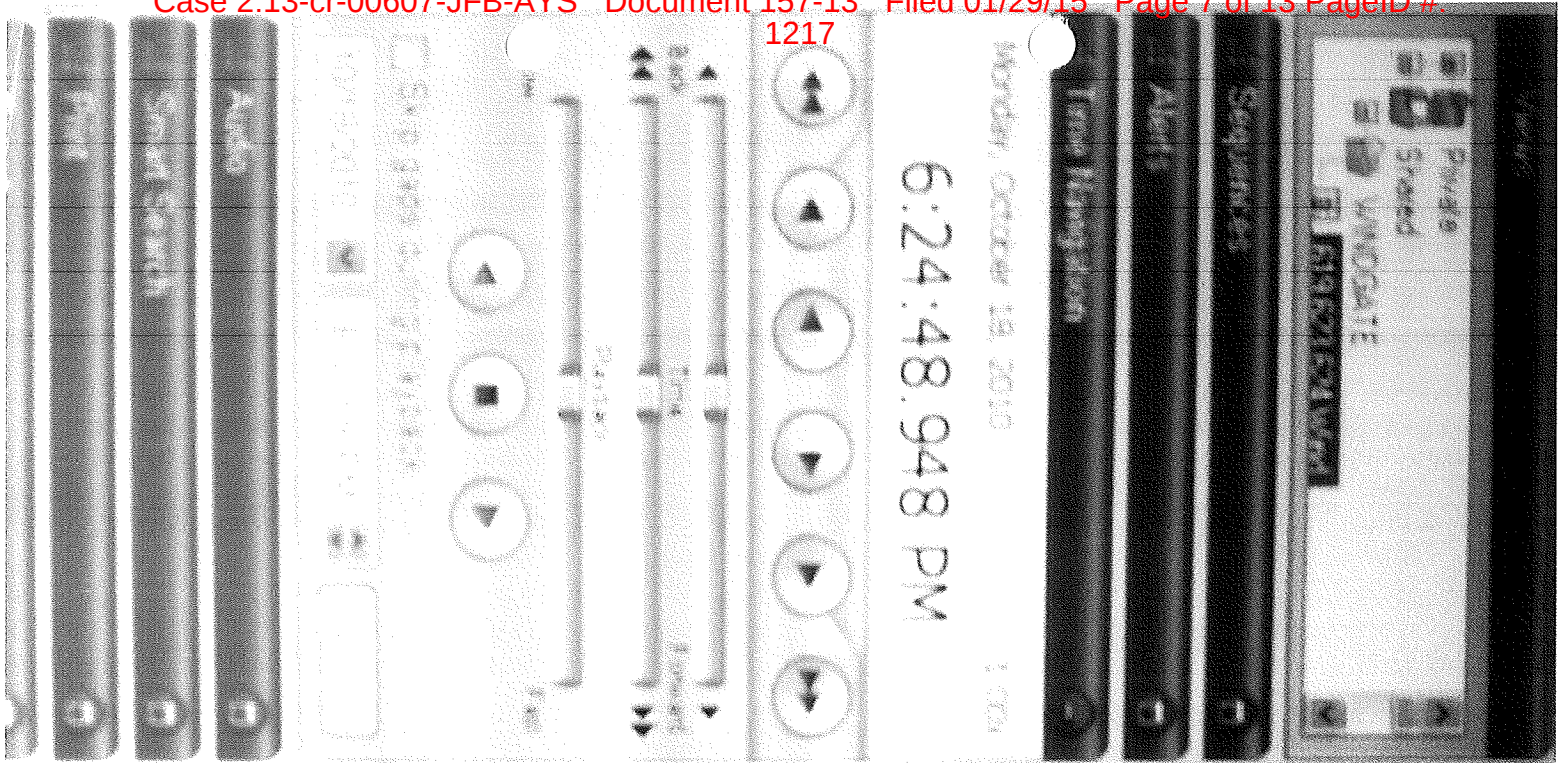
9. Other: _____

Under penalty of perjury, I swear or affirm the above statements are true to the best of my knowledge, and I request an Order / Injunction granting relief as allowed by law.


Plaintiff

Attest:  10/20/10
Judicial Officer/ Clerk / Notary Date

10-20-10





Scottsdale City Court · 3700 N 75th Street · Scottsdale, AZ 85251 · (480) 312-2442

CONSTANTINE, TOMMY
VS.
KENNER, PHILIP A
10705 E CACTUS RD
SCOTTSDALE, AZ 85259

Case #:

M-0751-CV-2010033436



Notice of Right to Appeal

A party may appeal a final order or final judgment entered in a civil case. This notice explains your rights and responsibilities to file an appeal from such an order or judgment.

There are two separate stages to the appeal process. The first stage begins in this Court; the second stage takes place in the County Superior Court. Remember, you must complete all steps at both stages, or you run the risk of having your appeal dismissed. This notice does not set forth all the rules on appeals. To read them entirely, you may review the Arizona Statutes and Rules of Traffic Court procedures. It is recommended that you keep a copy of all your documents and receipts during appeal.

STAGE ONE - THE TRIAL COURT

(A) THE NOTICE OF APPEAL. To appeal, you must file a "Notice of Appeal" with the trial court clerk within 14 calendar days from the date of the final order or final judgment. If you do not file a "Notice of Appeal" within these 14 days, you lose the right to appeal. In your Notice of Appeal, be sure to specify the specific judgment or order you are appealing.

(B) THE RECORD. **On or before the 14-day deadline to appeal, you must also pay for a copy of the proceedings at the hearing.** The copy may be recording or a transcript. The clerk will explain which type of record is required. Payment must be in cash or other method explained by the clerk. If you cannot afford to pay for the record, ask the clerk for information about a waiver or extension ("deferral") to make payment later. If you fail to pay for the record or transcript, your appeal may be dismissed. Additional copies of the hearing may be obtained for an additional charge.

(C) POSTING A BOND ON APPEAL TO STAY JUDGMENT. You cannot be forced to post a bond in order to exercise your right to appeal. However, the civil traffic judgment normally includes a sanction (monetary fine) and, for moving violations, points on your license. In some cases too, the court may have suspended your license or registration as part of its decision. **These penalties are NOT stopped just because you have filed a timely notice of appeal! In order to stop these penalties from being imposed while your appeal is pending, you must "post bond" with the trial court.** The amount of the bond is the total amount of the sanction ordered by the court unless the trial court orders that the bond be reduced or waived. If you do not post bond to stay enforcement, then the order to pay is still in force and must be complied with.

(D) THE WRITTEN APPEAL MEMORANDUM. Within a few days after you have paid for the record to be prepared, the court will contact you to pick up your record. You will need the record for this next step - the "Appellate Memorandum." The appellate memorandum is your written "brief" or explanation why the trial court ruling was legally wrong. Normally, the memorandum will refer to specific portions of the record of the hearing to point out where there was error by the court. (That is why a party who appeals pays for a copy of the record.) **The memorandum should be typed or printed on letter-sized white paper, double spaced, and not exceed 15 pages in length, not counting any exhibits from your hearing you want to attach to the memorandum.**

(E) FILING THE APPELLATE MEMORANDUM WITHIN 60 DAYS. The appellant's memorandum must be filed with the court within 60 calendar days of the deadline to file the notice of appeal. You must file the original and 1 copy of the memorandum with the court. (The other side then has 30 days to file an "Appellee's Memorandum.")

(F) WAIT FOR FURTHER INSTRUCTIONS. Once the memorandum has been filed, you should await further instructions from the superior court as outlined in the next stage. To keep you informed, remember that the trial court must have your current mailing address at all times. Even if you hire an attorney, your address is still required for legal notifications.



Scottsdale City Court · 3700 N 75th Street · Scottsdale, AZ 85251 · (480) 312-2442

CONSTANTINE, TOMMY
VS.
KENNER, PHILIP A
10705 E CACTUS RD
SCOTTSDALE, AZ 85259

Case #:

M-0751-CV-2010033436



STAGE TWO - THE SUPERIOR COURT

(G) **PAYING THE SUPERIOR COURT FILING FEE.** If you have completed all of the first stage, your case moves to superior court where an appeals judge will look at the case. About 60 days after you file your memorandum, you will receive a notice from the superior court. This notice will (1) assign a superior court case number to use in all further correspondence, and (2) instruct you to pay the superior court appeal filing fee. You must pay this filing fee or your appeal may be dismissed and your case sent back to the trial court. Again, if you cannot afford to pay the filing fee, contact the superior court clerk for information about a waiver or extension ("deferral") to make payment later.

(H) **SUPERIOR COURT ACTION ON THE APPEAL.** If you have now completed all these steps, you will receive a ruling from the superior court. The superior court has the right to affirm the trial court, overrule the trial court, modify some of the trial court decision, or, if record is not clear, order a new trial in the superior court. If the final outcome of your case is that the ruling stands, or if your appeal is dismissed for any other reason, remember that the court may apply any bond, deposit, or payments already made and that you may have to return to the trial court to be given other instructions in person.

(I) **DISPOSITION OF EXHIBITS UPON FINAL JUDGMENT.** After a judgment has become final and nonappealable, a person who files a request under penalty of perjury setting forth ownership of or lawful entitlement to the possession of an exhibit may obtain an ex parte order permitting its withdrawal. Ninety days after a judgment has become final and nonappealable, the court having possession thereof may dispose of exhibits in its possession.

I acknowledge receipt of a copy of this notice.

X _____

Defendant

Dated

21-March-Jon

Scottsdale City Court
3700 N. 75th St. Scottsdale, AZ 85251

(480) 312-2442

| | | |
|-----------------------|---------------------|---|
| TOMMY CONSTANTINE | M-751-CV-2010033436 | HEARING ORDER <input type="checkbox"/> Order of Protection <input checked="" type="checkbox"/> Injunction Against Harassment <input type="checkbox"/> Injunction Against Workplace Harassment Issued Date: 10/20/2010 (mm/dd/ccyy) |
| Plaintiff | Case No. | |
| Birth Date: 7/1966 | | |
| V. PHILIP A KENNER | | |
| Defendant | | |

Prior to hearing:

- ☐ The requested relief is denied. Date requested: _____
- ☐ Based on request, this matter is set for hearing:
Date: _____ Location: _____
Time: _____

Parties are to present testimony and evidence whether the Court should continue, revoke or modify the protective order listed above.

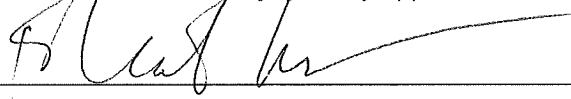
- ☐ The Court cancels the hearing set for _____ (Date)
- ☐ On Plaintiff's motion, the Court dismisses the protective order listed above.

At time of hearing:

Plaintiff: ☒ Appeared ☐ Failed to Appear but did not have Notice ☐ Failed to Appear but had Notice
Defendant: ☒ Appeared ☐ Failed to Appear but did not have Notice ☐ Failed to Appear but had Notice

- ☐ The hearing previously set is canceled.
- ☐ The Court dismisses the protective order listed above.
- ☒ The protective order listed above remains in ☐ Brady applies.
- ☐ As attached, the Court modifies the protective order listed ☐ Brady applies.

3-2-11
Date


Judicial Officer

CERTIFICATE OF TRANSMITTAL

Copy mailed/delivered to ☒ Plaintiff ☒ Defendant ☐ Sheriff on 3/21/2011 by 8 #159
(Date)



IN THE CITY COURT OF SCOTTSDALE
COUNTY OF MARICOPA, STATE OF ARIZONA

STATE OF ARIZONA

NO. CV-2010033436

VS.

NOTICE OF APPEARANCE

3.21.2011
8

Pursuant to Rule 6 A.R.C.P., I hereby enter my appearance in this case on
behalf of Tommy Constantine
for all further proceedings including the filing of a Notice of Appeal, if required.

3/23/11
Date

[Signature]
Attorney Signature
00534

Arizona Bar Number

Dennis Wilenchik
Name (Please Print)

2810 N. 3rd St
Address

Phx AZ 85004
City State Zip

602-606-2810
Telephone Number

Scottsdale City Court
3700 N. 75th St. Scottsdale, AZ 85251

(480) 312-2442

| | | |
|-------------------|---------------------|--|
| TOMMY CONSTANTINE | M-751-CV-2010033436 | REQUEST: <input checked="" type="checkbox"/> HEARING <input type="checkbox"/> DISMISS ORDER <input type="checkbox"/> CANCEL HEARING AND ORDER OP/ IAH/ IAWH Issue _____ (mm/dd/ccyy) |
| Plaintiff | Case No. | |
| V. | | |
| PHILIP A KENNER | | |
| Defendant | | |

- ☒ Defendant requests: ☒ a hearing.
☐ that the Court cancel the hearing requested by the defendant in this case.
☐ that the Court continue the scheduled hearing on _____ (Date).

If the Plaintiff is:

- a current or former spouse, or
- someone with whom you live/lived, or
- the child of an intimate partner, or
- a parent of your child

AND the Order remains in effect or is changed after the hearing,

You will be prohibited from possessing or purchasing firearms or ammunition until the Order expires one year after the service of the original Order.

By making this request, if you fail to appear for the hearing, the prohibition against you possessing or purchasing firearms or ammunition will apply.

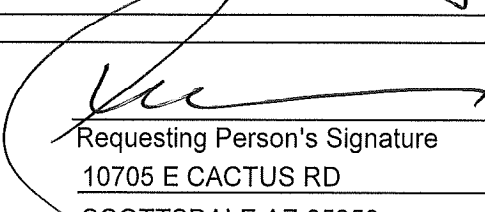
- ☐ Plaintiff requests:
☐ the protective order listed above be dismissed.
☐ the Court cancel the hearing set prior to the issuance of the protective order in this case.
☐ that the Court continue the scheduled hearing on _____ (Date)

List the reasons for your request:

Hearing requested to address the frivolity of the injunction.

2/28/2011

Date


Requesting Person's Signature

10705 E CACTUS RD

SCOTTSDALE AZ 85259

(480) 235-4193

Address and telephone number if Defendant is the requesting party.

CERTIFICATE OF TRANSMITTAL

Copy mailed/delivered to ☒ Plaintiff ☒ Defendant on 02/28/11 by J. Cardenas #183



Scottsdale City Court · 3700 N 75th Street · Scottsdale, AZ 85251 · (480) 312-2442

CONSTANTINE, TOMMY
VS.
KENNER, PHILIP A
10705 E CACTUS RD
SCOTTSDALE, AZ 85259

Case #:
M-0751-CV-2010033436



DEFENDANT having filed a request for hearing on Injunction against Harrassment.

IT IS HEREBY ORDERED setting this matter for **Protective Order Hearing - Post Issuance on 3/21/2011 at 3:30 PM in Courtroom 1..**

At this time, the parties are to present the court with testimony and evidence on the issue of whether the court should continue, revoke, modify or amend the Order of Protection / Injunction Prohibiting Harassment.

IT IS YOUR RESPONSIBILITY TO BE AWARE OF ALL FUTURE COURT DATES. SHOULD ANY SCHEDULED MATTER BE CONTINUED, YOU MUST CONTACT THE COURT OR YOUR ATTORNEY TO GET THE NEW DATE.

Please contact the court if you need special accommodations (such as assistive devices, interpreters, etc.)

I acknowledge that I have read and understand the above.

Date: 2/28/11 Print Name: PHILIP A. KENNER Signature: [Signature] Parent / Guardian Signature (if minor): [Signature]

Street Address: 200 Hoover Ave Apartment # (if applicable): 1711

City: Las Vegas State: NV ZIP Code: 89101 Daytime Telephone: 480 235 4193

Copies Mailed To: ☐ Defendant ☐ Defense Attorney ☐ Prosecutor ☐ on _____